

Message

From: Perlis, Robert [Perlis.Robert@epa.gov]
Sent: 9/6/2019 8:02:53 PM
To: Dunn, Alexandra [dunn.alexandra@epa.gov]; Fischer, David [Fischer.David@epa.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Miller, Wynne [Miller.Wynne@epa.gov]
CC: Cole, Joseph E. [cole.josephe@epa.gov]; Koch, Erin [Koch.Erin@epa.gov]
Subject: New, second sulfoxaflor lawsuit filed today
Attachments: Sulfoxaflor - petition for review - pollinator stewardship council.pdf

To all:

We just got a second petition for review in the 9th Circuit (filed today) challenging the recent sulfoxaflor registration action (adding bee-attractive uses). These plaintiffs, Pollinator Stewardship Council, American Beekeeping Federation, and Jeffery Anderson, were in on the original sulfoxaflor litigation that ended in 2015 with vacatur of the registration – the groups that filed in August of this year (Center for Food Safety and Center for Biological Diversity) were not involved in the earlier litigation. The August petitioners stated publicly that they would raise FIFRA and ESA issues in the new litigation; while petitions for review in the court of appeals don't say much (and don't have to identify the claims that will be raised in the case), the petitioners that filed today only raised FIFRA issues in the earlier litigation. I think it likely that these two cases will get consolidated in the near future. A copy of the new petition for review is attached.

Bob

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